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February 13, 2008

Office of the General Counsel
Attn: Jeff S. Jordan, Supervisory Attorney,
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

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COUNSEL
2008 FEB 19 P 12:54

Dear Mr. Jordan:

This letter is on behalf of my clients, David W. Robinson, Robinson for Congress, and Scott Shaeffer (Treasurer for Robinson for Congress), and in response to the complaint filed with the Federal Election Commission ("FEC") against David W. Robinson by Corey E. Corbin ("Complainant") on January 24, 2008. Specifically, the Complainant alleged the following:

1. Mr. Robinson, on his website, and in literature, calls himself a candidate for Congress, but has not filed the necessary paperwork with the FEC. While he may be under the \$5,000 spending pointed before he must declare, he does call himself a candidate, which, I believe requires him to file as such.
2. Mr. Robinson's information is not legally labeled. His Biography and his position papers have a Robinson for Congress logo, but no disclaimer as required by the FEC regarding who paid for and authorized the information.
3. Mr. Robinson also has a website, www.robinson2008.com, that does not properly disclose, on every page of the site, who paid for and authorized the site as required by FEC guidelines.

First Allegation:

Pursuant to the FEC's website, www.fec.gov, Mr. Robinson's Statement of Candidacy was filed with the FEC on January 16, 2008 and the Statement of Organization for Robinson for Congress was filed on January 18, 2008. Therefore, Mr. Robinson had filed the necessary paperwork with the FEC, contrary to the contention of the Complainant, and this allegation must be dismissed.

Second and Third Allegations:

Regarding the "labeling" of Mr. Robinson's information, it appears as though those documents were retrieved from the website for Robinson for Congress, www.robinson2008.com, and the third allegation states that the Robinson for Congress website is in violation of FEC guidelines on disclaimers. Although Complainant's attachments do not include all of the pages

of the Robinson for Congress website, the attachments do prove that the website included a full disclaimer. The bio page states at the bottom "Paid for by Robinson for Congress." In addition, the home page and the contribution page of the website stated "Paid for by Robinson for Congress."

In the FEC's Brochure entitled "Special Notices on Political Ads and Solicitations," the Commission provides the following advice as to disclaimers on websites:

When is a Disclaimer Required?

Basic Rule

Political Committees

Political committees must include a disclaimer on (1) all "public communications" (defined below), (2) bulk electronic mail (defined as electronic mail with more than 500 substantially similar communications) and (3) websites available to the general public, regardless of whether the communication expressly advocates the election or defeat of a clearly identified candidate, or solicits funds in connection with a federal election (i.e., contributions for a federal candidate or federal political committee). (Emphasis added.)

This advice is based upon Section 110.11 of the FEC's regulations, entitled "Communications; advertising; disclaimers." Section 110.11(a)(1) states:

(a) Scope. The following communications must include disclaimers, as specified in this section:

(1) All public communications, as defined in 11 CFR 100.26, made by a political committee; electronic mail of more than 500 substantially similar communications when sent by a political committee; and all Internet websites of political committees available to the general public. (Emphasis added.)

Mr. Robinson's campaign committee, Robinson for Congress, has one website, www.robinson2008.com, with pages detailing his biography, statement of principles and priorities, contact information, etc. At the time of the complaint, the sole website for Robinson for Congress included a proper and readable disclaimer, detailing that it had been "Paid for by Robinson for Congress" in the proper font size.

The FEC has never held that a disclaimer is required on every page of a campaign committee's website. The FEC provides that a disclaimer is required on all of a campaign committee's *websites*, and Robinson for Congress does not operate more than one. If each page is a separate website, there is no guidance to that effect. If a person is on a page of a website and is interested in knowing who paid for it, the person simply would have to click on the "home" tab to be taken to the main page or go to the website's root address, www.robinson2008.com.

The website for Robinson for Congress was created in good faith and with the full belief that it was in compliance with FEC guidelines, based upon the brochure and the FEC's regulation referenced above. Although my clients believe that they did not violate any FEC disclaimer guidelines with the website and the campaign information included on it, since the filing of the complaint by Mr. Corbin, the website has been changed to include a disclaimer on every page.

Based upon the information provided and discussed in this letter, I respectfully request that the complaint be dismissed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Don McTigue", with a large, stylized loop at the end.

Donald J. McTigue
Attorney for David W. Robinson, Robinson
For Congress, and Scott Shaeffer (Treasurer
for Robinson for Congress)